

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ISHMAEL AIL BURK, SR.,

Plaintiff,

v.

J. RUNK, *et al.*,

Defendants.

No. 1:19-CV-01358

(Chief Judge Brann)

ORDER

AND NOW, this 28th day of December 2021, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 77) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED** in part and **DENIED** in part, as follows:
 - a. The motion is **GRANTED** with respect to Plaintiff's Section 1983 Eighth Amendment claims of deliberate indifference to serious medical needs as to all Defendants.
 - b. The motion is **GRANTED** with respect to Plaintiff's Section 1983 Eighth Amendment claim of failure to protect against defendant Dreibelbis.
 - c. The motion is **DENIED** with respect to Plaintiff's Section 1983 Eighth Amendment failure-to-protect claims against defendants Runk, Greene, Treaster, Harper, Eichenlaub, and Luther.
2. Entry of judgment in accordance with the above paragraph is **DEFERRED** pending disposition of the remaining claims in this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge